

REMARKS

In the Office Action, claims 1-5, 8-13, 15, 16, 18-20, 23, 25, 28-32, 33-37, 40-45, 47, 48, 50-52, 54, 55, 57, and 60-64 were rejected under 35 U.S.C. § 102(e) as being anticipated by Alexander et al. (U.S. Patent No. 6,177,931). Claims 24, 26, 27, 56, 58, and 59 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Alexander. Claims 6, 7, 14, 17, 21, 38, 39, 46, 49, and 53 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Alexander in view of Knee et al. (U.S. Patent No. 5,589,892). These rejections are respectfully traversed.

Alexander broadly describes moving between panel advertisements and program listings by moving a highlight from window 14 or 16 to grid guide 22 by pressing arrow key 32. Col. 4, lines 49-56. Alexander also describes moving between program listing in the grid guide by moving cursor 36 in grid guide 22 by pressing arrow keys 28 and 30. Col. 4, lines 49-56. In addition, Alexander describes virtual channel advertisements that can be displayed in the grid guide. Col. 5, lines 5-15. In one embodiment, for example, the virtual

channel advertisements remain on the screen as the up and down arrow keys are pressed. Col. 22, lines 42-47.

The system and method of applicants' independent claims 1 and 33 patentably improve upon Alexander by allowing users to navigate between banner advertisements and program listings in a new way. As stated in claims 1 and 33 as amended, the banner advertisements are "adjacent and **external** to the program listings." For example, banner advertisements may be displayed above or below the program listings region. See page 3, lines 3-9 and FIGS. 15-16. When the user positions a highlight on a banner advertisement and "activate[s] a cursor," the guide "scroll[s] the program listings region to a new page of program listings in response to the user activating the cursor." Support for this amendment may be found, for example, at page 25 line 5 to page 26, line 30.

As shown in applicants' embodiment of FIG. 16, for example, when the user has positioned highlight 184 on banner advertisement 180, subsequent activation of down cursor key 80 directs the program guide to scroll the program listings in program listings region 182. Thus, a new page of program listings in program listings region 182 are displayed, as shown

in the lower screen in FIG. 16. See page 25, line 27 to page 26, line 16.

Claims 1 and 33 are directed to a different type of arrangement than that described in Alexander and are thus in condition for allowance. Claims 2-32 and claims 34-64, which depend from claims 1 and 33 are therefore also in condition for allowance.<sup>1</sup>

With respect to claims 27 and 59, the Office Action takes Official Notice that "displaying the additional information associated with the selected advertisement on a portion of program listings region is well known in the art." Office Action, page 6. Applicants respectfully submit that this was improper.

The Office Action may only take Official Notice of facts that are "capable of instant and unquestionable demonstration as being 'well known' in the art." M.P.E.P.

§ 2144.03. Additional information for a selected advertisement

<sup>1</sup> Claims 2-32 and 34-64, which depend from claims 1 and 33, include additional features that make these claims patentable. Applicants reserve the right to argue the patentability of these claims separately. Furthermore, applicants respectfully submit that the Office Action does not provide a sufficient motivation for making its obviousness rejections, and reserve the right to argue the insufficiency of these rejections on this basis should prosecution continue.


may be displayed a number of ways depending the desired approach. For example, in FIGS. 10A and 10B of Alexander, the information is presented in displays that replace the program listings region. There is no objective basis to conclude that the particular approach of displaying the information "on a portion of [the] program listings region" is well known as suggested by the Office Action. Applicants also respectfully submit that the absence from the prior art already of record of displaying such information "on a portion of [the] program listings region," as opposed to somewhere else on the screen, belies the Office Action's assertion of Official Notice. Therefore, applicants respectfully request that the Office Action cite a reference in support of its position. See M.P.E.P. § 2144.03.

For at least the reasons stated above, applicants submit that claims 1-64 are in condition for allowance.

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Reconsideration and allowance of the application are  
respectfully requested.

Respectfully submitted,

  
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